

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RONALD M. KEMPPAINEN,

Plaintiff,

v.

Case No. 2:11-cv-170
HON. R. ALLAN EDGAR

HOUGHTON COUNTY BOARD
OF COMMISSIONERS, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On September 9, 2011, counsel for plaintiff filed a Motion to Withdraw Representation of Plaintiff, citing a material and substantial breakdown of the attorney-client relationship. By order dated September 12, 2011 (Docket #29), counsel's motion to withdraw was granted. Plaintiff was provided until November 7, 2011, to obtain new counsel. A telephone conference was scheduled for November 28, 2011, at 11:00 a.m. At the day and time of the telephone conference, counsel for defendants appeared. Neither plaintiff nor counsel for plaintiff appeared for the telephone conference. Plaintiff has failed to provide any explanation for his failure to obtain new counsel or his failure to appear for the telephone conference. Furthermore, a review of the Court docket reflects that plaintiff has failed to file any pleadings in this matter since entry of the Court's order on September 12, 2011. It appears that plaintiff has abandoned the prosecution of this case. Accordingly, it is recommended that plaintiff's complaint be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir.

1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley

TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: November 30, 2011